

Att. A



THE CORPORATION OF THE CITY OF MARKHAM

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**EXTRACT FROM THE MINUTES OF THE COUNCIL MEETING HELD ON Jun 14, 2016  
REPORT NO. 24 - DEVELOPMENT SERVICES COMMITTEE (June 14, 2016)**

**(1) MARKHAM PUBLIC ART ADVISORY COMMITTEE MINUTES - April 13, 2016 (16.0)**

Minutes Design Presentation - Charity

- 1) That the minutes of the Markham Public Art Advisory Committee meeting held April 13, 2016 be received for information purposes; and,
- 2) That the Mayor and Clerk be authorized to execute an agreement acceptable to the City Solicitor, Commissioner, Community & Fire Services and Commissioner, Development Services with the donor for the donation, installation, and maintenance of the public art titled 'Charity' to be installed in Crescent Park.

Carried



Att. B

## ARTWORK DONATION AGREEMENT

This Artwork Donation Agreement ("Agreement") is made this 4<sup>th</sup> day of SEPT., 2016 (the "Effective Date") by and between Romandale Farms Limited (the "Donor") and The Corporation of the City of Markham (the "City").

WHEREAS, the Donor has commissioned a work of art by Ron Baird (the "Artist"), which the Donor wishes to donate to the City for use as public art, and which is more specifically described / depicted in the "Design Presentation to the Public Art Committee" dated May 27, 2015 (the "Design Presentation") prepared by the Artist (the "Sculpture"); and

WHEREAS, the City wishes to accept the donation under the terms and conditions set out herein:

NOW THEREFORE, the parties agree as follows:

### 1. DONATION

- 1.1 The Donor hereby agrees to donate to the City, on the Final Acceptance Date, the Sculpture, which is to be shipped and installed at no cost to the City, for use as public art within the City of Markham.
- 1.2 The City hereby agrees to accept the foregoing donation (subject to the terms and conditions of this Agreement).

### 2. INSTALLATION SITE

- 2.1 It is the intention of the parties that the Sculpture be installed in Crescent Park (located at 36 Charity Crescent, Markham), the specific location of which shall be mutually agreed to by the parties (the "Installation Site"). The City will establish the location of existing utilities lines prior to finalizing the Installation Site, in order to ensure that such utility lines are protected and maintained.

### 3. SCULPTURE INSTALLATION

- 3.1 The Donor shall provide to the City an installation plan / schedule ("Installation Plan"), and coordinate with Stephen Chait (Director, Culture & Economic Development) regarding the delivery and installation of the Sculpture at the Installation Site. The Installation Plan shall include: Engineering drawings (for both the structure/support mechanism and the footings); and protective mechanisms/measures necessary to ensure public safety (including, without limitation, mechanisms/measures to ensure that the Sculpture is securely installed, lightning protection grounding mechanisms, and mechanisms to prevent individuals from climbing the Sculpture). The Installation Plan shall be subject to the final review/approval of; the City's Commissioner, Community & Fire Services, and Commissioner, Development Services; and the Structural Engineer referenced in Section 3.2 below.
- 3.2 A structural engineer licensed to work in the Province of Ontario (the "Structural Engineer") will be retained by the City to review and approve the Installation Plan (including, without limitation the supporting structure / foundation design), to conduct site inspections during the installation process, and to provide final approval of the Sculpture installation. Certification by the Structural Engineer is required before Final Acceptance of the Sculpture by the City.

### 4. CITY'S RESPONSIBILITIES

- 4.1 The City will make available, at reasonable times, City staff members for the purpose of any necessary consultation with the Donor.

## **5. DONOR'S REPOSIBILITIES**

- 5.1 The Donor is solely responsible for the design, fabrication and installation of the Sculpture and has paid or shall pay all associated costs, including, without limitation, the following: artist fee, engineering fee (excluding the City's Structural Engineer), permits, insurance, materials, equipment, fabrication, transportation, site works, and construction / installation.
- 5.2 The Donor is solely responsible for any third parties employed, engaged or retained by the Donor for the purpose of installing the Sculpture or performing the Donor's obligations under this Agreement (including, without limitation, the Donor's maintenance/repair obligations under Section 5.4) (collectively, "Contractors"). The City shall have no obligation to deal directly with any Contractor. The Donor shall be solely responsible for the payment of all amounts owing to Contractors. The Donor shall coordinate the provision of the services by Contractors in a manner acceptable to the City, and shall ensure that Contractors comply with the terms and conditions of this Agreement. The Donor shall be liable to the City for all costs or damages arising from the acts, omissions, negligence or wilful misconduct of Contractors.
- 5.3 The Donor shall (in consultation with the City) design and install (and pay all associated costs) at the Installation Site a plaque identifying the Artist, the title of the Sculpture, and the year of completion. The final design and location of the plaque shall be mutually agreed to by the parties.
- 5.4 The Donor shall maintain and repair any deterioration or damage done to the Sculpture, as required from time to time or as reasonably requested by the City. The Donor shall consult with the City and the Artist (as required) on any proposed repairs.

## **6. FINAL ACCEPTANCE**

- 6.1 "Final Acceptance" of the Sculpture shall occur when: the Sculpture has been delivered and installed at the Installation Site; the Sculpture has been certified by the Structural Engineer; the City has inspected the Sculpture and confirms the Sculpture to be in accordance with the terms and conditions of this Agreement; and the Director, Culture & Economic Development has issued a letter to the Donor acknowledging the final acceptance ("Letter of Final Acceptance"). The date on which the Letter of Final Acceptance is issued shall be the date upon which Final Acceptance is granted ("Date of Final Acceptance").

## **7. TRANSFER OF TITLE**

- 7.1 The Donor hereby represents and warrants that:
  - (a) the Donor is the lawful owner of the Sculpture and enjoys all ownership rights, title to and interest in the Sculpture (excluding copyrights); and
  - (b) the Sculpture is not encumbered by any liens, mortgages, pledges, charges, claims, and encumbrances whatsoever.
- 7.2 As of the Date of Final Acceptance, the Donor hereby transfers to the City all ownership rights, title and interest in and to the Sculpture (excluding copyrights). Title to the Sculpture shall pass to the City upon Final Acceptance, free and clear of any and all encumbrances and at no cost to the City.

## **8. COPYRIGHT**

- 8.1 Copyright in the Sculpture will remain with the Artist, save and except for the City's right to: reproduce images of the Sculpture for any City purpose (including, without limitation, on the City's website); and publically exhibit the Sculpture.

9. **RELOCATION / REMOVAL OF SCULPTURE**

- 9.1 Subject to Section 9.2 below, while it is the City's intention to maintain the Sculpture at the Installation Site in accordance with the Donor's intent, the City reserves the right (in its sole and absolute discretion) after the Date of Final Acceptance to remove from public display or relocate the Sculpture if deemed necessary or desirable by the City (in its sole discretion), including, without limitation, for the following reasons: (a) public safety; or (b) compliance with applicable by-laws, laws, and regulations. The City will consult with the Donor prior to any final decision being made regarding the Sculpture's removal, or relocation. However, the decision of the City shall be final.
- 9.2 If the decision is made by the City to relocate the Sculpture or remove the Sculpture from public display, the City will advise the Donor in writing and the Donor shall have the right of first refusal to obtain ownership of the Sculpture at no cost to the Donor (save and except those costs associated with the removal and transportation of the Sculpture).

10. **INSURANCE**

- 10.1 The Contractor performing the Installation Work on behalf of the Donor, shall purchase and maintain in force, at their own expense (including the payment of all deductibles), from the Effective Date to the Date of Final Acceptance, the following policies of insurance underwritten by insurers licensed to conduct business in the Province of Ontario:
- (a) Commercial General Liability Insurance and include coverage for Bodily Injury and Property Damage, with a minimum amount of \$5,000,000.00 for each occurrence, and including:
    - (i) an endorsement certifying that the City is included as an additional insured,
    - (ii) a cross liability clause endorsement,
    - (iii) non-owned automobile coverage, including contractual non-owned coverage,
  - (b) Automobile Insurance, in a minimum amount of \$5,000,000.00 for each occurrence; and
  - (c) On-Hook Liability Insurance, in a minimum amount of \$2,000,000.00 for each occurrence.
- 10.2 The Donor shall furnish the City with a certificate of insurance (in a form satisfactory to the City, in its sole discretion) confirming that the Contractor performing the Installation Work on behalf of the Donor has in place the above mentioned insurance policies. The certificate of insurance shall also contain an endorsement to the effect that such insurance policies shall not be altered, cancelled or allowed to expire without thirty (30) days advance written notice to the City.

11. **INDEMNITY**

- 11.1 The Donor shall indemnify, defend and hold the City, and its affiliates, elected officials, directors, officers and employees, (collectively, "Indemnified Parties"), harmless from and against all actions, suits, claims, demands, liens, proceedings and judgments which may be brought against or made upon the Indemnified Parties, and against all liabilities, damages, losses, costs, charges and expenses (including legal expenses) which may be incurred, sustained or suffered by the Indemnified Parties, resulting from or arising out of the personal injury, acts or omissions of the Donor or any Contractor engaged by the Donor for the purpose of installing the Sculpture or performing the Donor's obligations under this Agreement (including, without limitation, the Donor's maintenance/repair obligations under Section 5.4).

12. **NOTICES**

- 12.1 Any notices required to be provided hereunder shall be in writing, and shall be addressed as follows:

**To the City:**  
City of Markham  
101 Town Centre Blvd.  
Markham, ON L3R 9W3  
Attention: Director, Culture & Economic Development  
Phone: 905-475-4871  
Fax: 905-475-4888  
[schait@markham.ca](mailto:schait@markham.ca)

To the Donor:  
Romandale Farms Limited  
212 King St West  
Toronto, ON M5H 1K5  
Attention: Helen Roman-Barber  
Phone: 416-971-3323  
Fax: \_\_\_\_\_  
[romanh@romandale.com](mailto:romanh@romandale.com)

**13. MISCELLANEOUS**

- 13.1 This Agreement shall be construed in accordance with and governed by the laws, and subject to the jurisdiction of the courts, of the Province of Ontario.
- 13.2 This Agreement constitutes the complete and exclusive statement of the agreement between the parties, which supersedes all proposals, oral or written, and all other communications between the parties, relating to the subject matter of this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized representatives.

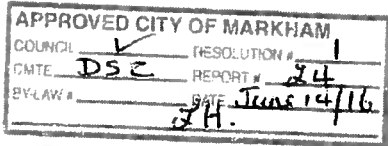
THE CORPORATION OF THE CITY OF  
MARKHAM

Signature: \_\_\_\_\_

Name: Frank Scarpitti  
Title: Mayor

Per: \_\_\_\_\_

Name: Kimberley Kitteringham  
Title: City Clerk



WITNESS

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Date: \_\_\_\_\_

*Paul Roman*  
PAUL ROMAN  
SEPTEMBER 4, 2016

ROMANDALE FARMS LIMITED

Signature: \_\_\_\_\_

Name: Helen Roman-Barber

Date: \_\_\_\_\_

*Helen Roman-Barber David Roman*  
David Roman  
Sept 04 '16



Approved for this project by the State of Ohio, Department of Public Safety, Bureau of Criminal Investigation, on 08/14/2013. This approval is based on the information provided and does not constitute a warranty of any kind. The State of Ohio is not responsible for any errors or omissions in this drawing. The user of this drawing is responsible for its proper use and interpretation.

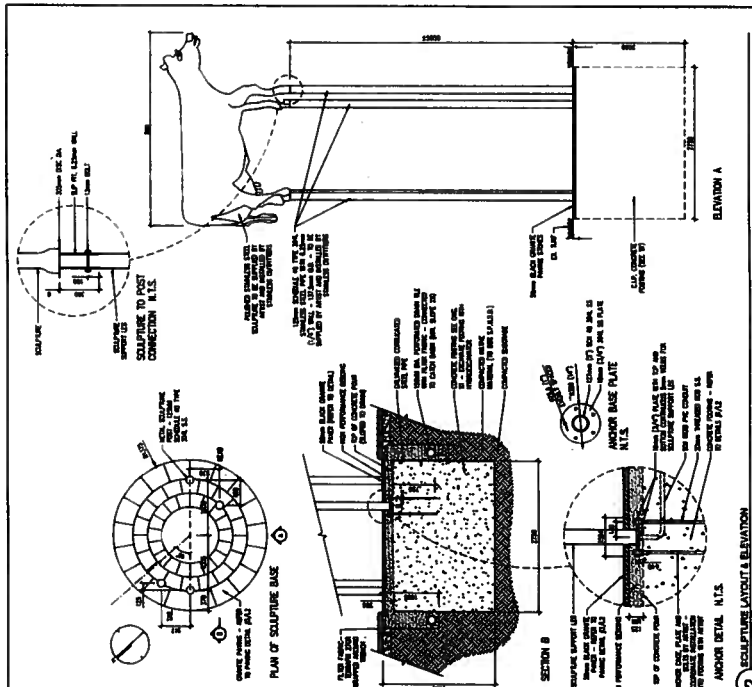
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2	SCULPTURE
3	CONCRETE
4	STEEL
5	WOOD
6	GLASS
7	BRASS
8	ALUMINUM
9	IRON
10	COPPER
11	LEAD
12	ZINC
13	NICKEL
14	CHROME
15	PLATE
16	PIPE
17	ROOFING
18	INSULATION
19	PAINT
20	FINISH

CHARITY SCULPTURE  
Cincinnati  
Northham, OH

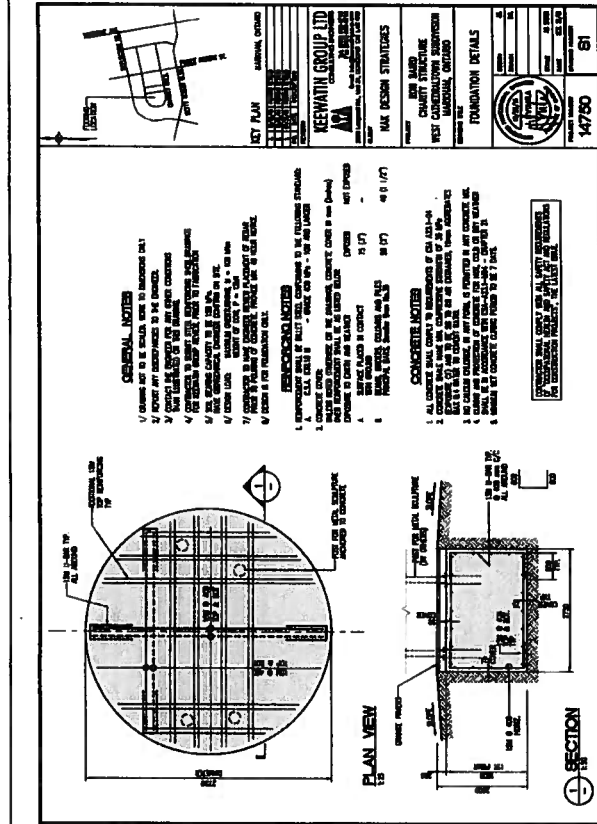
DETAILS

Scale: 1/2" = 1'-0"

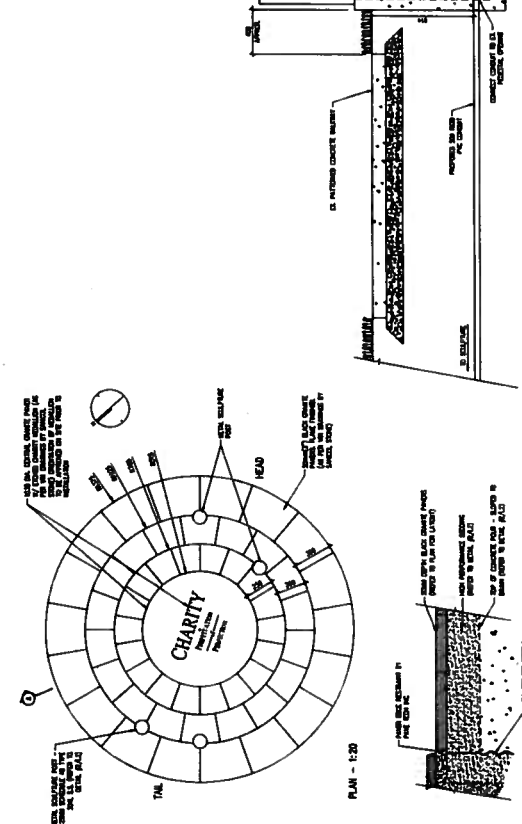
Sheet: L2



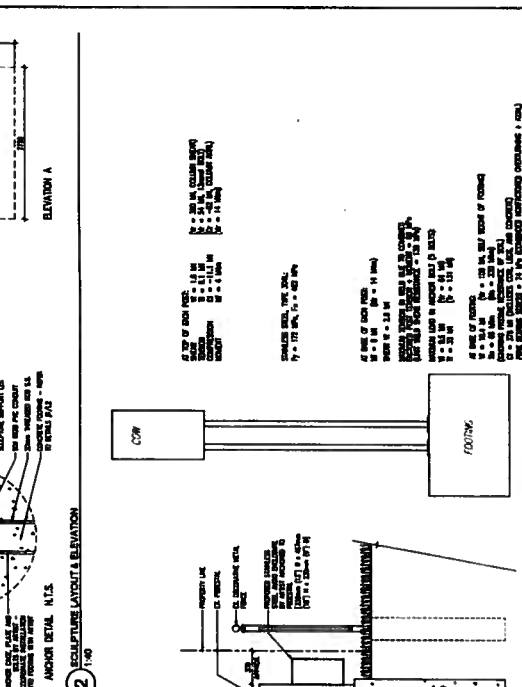
2 SCULPTURE LAYOUT & ELEVATION  
SCALE: 1/2" = 1'-0"



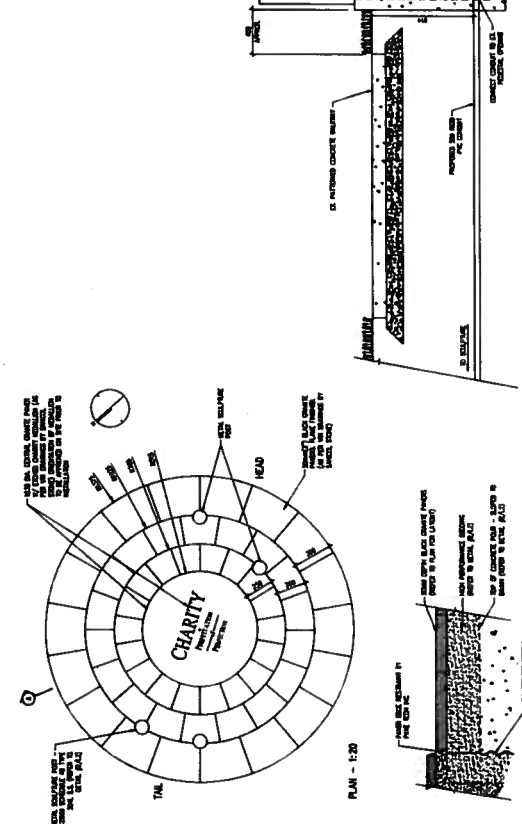
1 SCULPTURE FOUNDATION DETAIL  
SCALE AS NOTED



3 DRAWING DETAIL  
SCALE AS NOTED



4 PEDESTAL AND ENCLOSURE  
SCALE AS NOTED



5 STRUCTURAL CALCULATIONS  
SCALE AS NOTED

Logo of the State of Ohio Department of Public Safety, Bureau of Criminal Investigation.

Logo of NAK.

Logo of the State of Ohio Department of Public Safety, Bureau of Criminal Investigation.

Logo of the State of Ohio Department of Public Safety, Bureau of Criminal Investigation.

**Minutes of the Varley Art Acquisitions Committee Meeting, 13 February, 2015**

Present: Rachel Brodie (Varley Collections Manager); Paul Fournier; Anik Glaude (Varley Curator); John Ingram; Niamh O'Laoghaire (Varley Director) Ernestine Tahedl; Edie Yeomans (Committee Chair) Corinna Ghaznavi (Public Art Coordinator, Markham) joined the meeting for discussion of item 4.

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1. Welcome and Introductions.

Committee Chair Edie Yeomans welcomed all those present, thanked them for attending and invited each person to introduce him/herself.

2. Approval of the Minutes of 10 April, 2014

Motion: That the committee approve the minutes of the meeting of 10 April, 2014

Moved by Ernestine Tahedl, seconded by Edie Yeomans, passed.

3. Changes to the order of the Agenda

The order of the agenda items was adjusted so that a proposed donation to the City of Markham Public Art Collection could be discussed first.

Corinna Ghaznavi joined the meeting

4. Proposed donation to the City of Markham Public Art Collection

Corinna Ghaznavi presented a proposed donation to the City of Markham Public Art Collection. The donation is proposed by Helen Barber-Roman, who has commissioned artist Ron Baird, RCA, OCAD, to create a sculpture of the show Holstein cow, Charity, intended for installation in Cathedraltown, Markham. All costs relating to the work would be paid by the donor, including creation of the sculpture and its installation. An endowment would also be established for the care and maintenance of the work in perpetuity. The sculpture, of highly polished stainless steel, has already been fabricated and is ready to install. Mounted on stilts it would measure a total of 11 metres high x 2 metres wide x 4.5 metres long. Documentation regarding the site-specific nature of the work, along with images of the sculpture being fabricated were shared with the Committee members.

Discussion followed. The Committee agreed that it did not have enough information to make a decision. It suggested that Ms. Ghaznavi request further visual details, such as, the nature of the site for the work, what the landscape is like, how the public would approach/interact with the work and a visual mock-up of the work in situ, if possible. Ms. Ghaznavi agreed to request further information from the proposed donor.

Ms. Ghaznavi departed the meeting

5. Proposed donation of an L.L. Fitzgerald work on paper to the Varley Permanent Collection

The Director presented a brief for the proposed donation of Lionel Lemoine Fitzgerald (1890 – 1956), *Clouds over the Woods*, ca. 1934, graphite on paper, 11 ¼" x 14 3/8" (sight). The work is offered by Mimi Fullerton, Toronto. The brief outlined the work's relevance to the mandate of the Varley Art Gallery, its art historical significance, and aesthetic quality. The brief also outlined the work's condition and provenance. This would be a straight-forward non-CCPERB donation. The work was already at the gallery, having been delivered by Chris Varley. It was available for perusal by the Committee.

Discussion followed.

**Motion:** To accept the L.L. Fitzgerald offered by Mimi Fullerton for the Varley Art Gallery Permanent Collection.

Moved by Ernestine Tahedl, seconded by Paul Fournier, passed unanimously.

#### 6. Business Arising from the Minutes of April 10, 2014

6a. Anik Glaude explained that the Paper Conservation project jointly funded by the Museum Assistance Program of the Department of Canadian Heritage and the Varley-McKay Art Foundation was going very well. However, in the course of the project it became apparent that there was a problem with the documentation of two works. In 2007 Peter Garstang lent two Varley drawings to the Varley Art Gallery and subsequently donated them. The file for these works contains a deed-of-gift and a donation form. The deed-of-gift is dated 2008, but is not signed. Ms. Glaude has contacted Mr. Garstang and let him know of this anomaly. Mr. Garstang is happy to sign the deed-of-gift for the works. Anik Glaude will check to see if he received a donation for the works already. If he has not, she will ensure that the City of Markham issues a tax receipt for them.

**Motion:** that the Varley Art Gallery should complete the appropriate protocols to ensure proper documentation of two Varleys donated by Peter Garstang.

Moved by Edie Yeomans, seconded by Ernestine Tahedl, passed unanimously.

6b. As per Item 4A. of the April 10, 2014 minutes, Anik Glaude and Rachel Brodie met with Barbara Mitchell, Executor of the Estate of York Wilson. Ms. Glaude selected two works, a medium-sized painting, transitional between representation and abstraction, and a large, late, abstract work. Each painting came with a gift of several hundred dollars. All the paperwork around the donation is now complete. Ms. Brodie brought the works to the Stollery Room for the Committee Members to view. The Committee commended Anik and Rachel on their choices.

6c. Ernestine Tahedl raised the question of re-initiating the potential donation of works being offered through Kathryn Minard of Art Advisory. Staff agreed to look through previous minutes to see what details could be discovered about this possible donation and follow up if possible.

6d. Edie Yeomans raised the issue of a collection of works owned by Jeff Nolte, a photographer referred to in item 5 of the April 10, 2014 Minutes. The collection includes pieces by Calzetta, Bolduc, Cameron, Fournier, and Scherman. Mr. Nolte is apparently interested in dispersing his works, although he would like them to be kept together, unlikely in today's climate. It was agreed that Paul Fournier would follow up by contacting Mr. Nolte and inquiring if he would like to meet with the Varley Curator or Director to discuss the works in question.

#### 7. Varley Art Acquisitions Committee Terms of Reference

The Committee examined the Terms of Reference, taking particular note of Item 3, Composition of the Committee. That section notes that the voting members of the Committee will be:

- Two (2) current Members of the Board of Directors of the Varley-McKay Art Foundation, one of whom shall act as Chair of the Committee
- Two (2) Members of the Professional Art Community, and
- Two (2) Members from the Community who shall be appointed by the Board of Directors of the Varley \-McKay Art Foundation.

The Committee concluded that its current composition meets the requirements of the Terms of Reference. Ernestine Tahedl indicated that the Terms of Reference should be tabled at the next meeting of the Board of the Varley-McKay Art Foundation on March 9, 2015.

#### 8. Other Business

In Fall 2014 Edie Yeomans contacted Anik Glaude with information regarding a private collector, Peter Milligan. Anik Glaude had followed up and arranged a visit. Anik Glaude and Niamh O'Laoghaire described their visit to Mr. Milligan in December, 2014 to view works by Pudlo Pudlat, a visit which also permitted them to see Mr. Milligan's extensive collection of Canadian art. Ms. Glaude expressed particular interest in his works relating to the 1950s and 60s by members of Painters Eleven and by Ron Bloore, along with a set of Betty Goodwins. The Director indicated that she had since followed up with two emails, outlining the Varley's enthusiasm for Mr. Milligan's Collections, and had heard back once. Ms. Yeomans indicated that Varley staff should follow up again.

The meeting was adjourned.

**Minutes of the Varley Art Acquisitions Committee Meeting, May 11, 2015**

**Present:** Rachel Brodie (Varley Collections Manager); John Ingram; Niamh O'Laoghaire (Varley Director)  
Ernestine Tahedl; Edie Yeomans (Committee Chair)

**Regrets:** Anik Glaude (Varley Curator); Paul Fournier.

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**1. Approval of the Minutes of February 13, 2015**

**Motion:** That the committee approve the minutes of the meeting of 10 April, 2014

Moved by John Ingram, seconded by Ernestine Tahedl, passed.

**2. Business Arising**

a) Proposed donation of the sculpture *Charity* to the City of Markham Public Art Collection.

The Director reported that since the February 13 meeting, the Committee's request for further information had been sent to Corinna Ghaznavi, who had provided more details. These in turn had been circulated to the Committee. The Committee's response, agreed upon via email, was sent to Corinna Ghaznavi on March 17, 2015. The Committee's response was:

This message is to let you know that the Varley Art Acquisitions Committee has approved in principle the donation of the Ron Baird sculpture *Charity* to the Public Art Collection of the City of Markham.

However, the Committee is VERY concerned about the work's extreme height and ensuing issues of safety, security and maintenance with regard to the donation. The Committee feels that the 30 foot stilts may be seen as offering a "challenge" to some thrill seekers.

Therefore, due to the work's height, the Committee believes that before proceeding the following should be ensured:

- a) that the work be securely installed, such that it will not topple during or after installation,
- b) that safeguards be implemented to prevent anyone from climbing the work, from falling down from it, or from impaling themselves on the maple wreath
- c) that safeguards be implemented to prevent anyone from damaging the work
- d) that there be a significant endowment created to clean and care for the work in perpetuity

The Director believes that this concludes the Varley Art Acquisitions Committee's involvement with the sculpture.

b) Mimi Fullerton donation of an L.L. Fitzgerald work on paper

The Director noted that this donation was complete. Ms. Fullerton had signed the deed-of-gift. It had been countersigned and returned to her with a handwritten thank you note from the Director.

c) Peter Garstang donation documentation

The Director indicated that Anik Glaude had contacted Mr. Garstang, indicated that there were anomalies in the documentation of his donation and requested that he sign a deed-of-gift for Varley drawings given to the Varley Gallery. Mr. Garstang was quite happy to ensure that everything was regularized.

d) Collection of Mr. Jeff Nolte

A sheet of 10 works of contemporary art being offered by Mr. Nolte to the Varley Art Gallery was circulated. The works are 2 David Bolducs, 4 Tony Calzettas; 1 Alex Cameron, 1 Tony Scherman and 2 Paul Fourniers. Chair Edie Yeomans spoke to their importance. Discussion followed. It was agreed that the Varley Director and Curator should visit Mr. Nolte to view the works in person and determine which would meet the collecting goals of the Gallery.

e) Collection of 22 Pudlo Pudlats owned by Peter Milligan and Dorene Macaulay

The Director spoke to the 22 Pudlo Pudlats, all works on paper, reproduced on a sheet circulated to the Committee. The Director and the Varley Curator had visited Mr. Milligan again on May 5, 2015, at that time also meeting his wife, Ms. Macaulay. During the visit they were able to view all the Pudlats in the couple's collection. The works are generally in very good condition. Approximately half are framed. They range in date from ca. 1963 through the 1980s and thus are useful in presenting the evolution of the artist's style. The 22 works offer a useful opportunity for research and certainly for an exhibition. The Varley Art Gallery does not have significant holdings of Inuit art, although it does have a small study collection of Inuit sculpture, used for teaching. Mr. Milligan and Ms. Macaulay are very willing to lend for an exhibition, and are interested in donating a portion or up to all of the works. They have requested that we indicate to them which ones the Varley would like the most, and they will consider which ones they would give us in the short term, and which ones later. Discussion followed.

Motion: That the Director and Curator enthusiastically pursue the possible donation of the 22 Pudlo Pudlats.

Moved by Beverly Schaeffer, seconded by Ernestine Tahedl, passed.

f) Works offered via Kathryn Minard

The Director contacted Kathryn Minard re the possible donation of works from a private collector, by future bequest. Ms. Minard responded via email on March 9 indicating that she had not heard from the collector for a while and would look into the matter once again. The Committee agreed that the Varley Director should follow up with Ms. Minard once more.

3. New Business

a) Loan of 20 Group of Seven works from the collection of J.J. (Jack) MacQuarrie

As a point of information, the Director informed the Committee about an incoming loan. A Mr. J. J. (Jack) MacQuarrie had approached the Varley Curator and then the Director about the long-term loan of 20 works by members of the Group of Seven, including A.J. Casson and L.L. Fitzgerald (see list

below). The works have been on loan for many years at the town of Orillia and subsequently the Orillia Museum of Art & History (OMAH). Mr. MacQuarrie was dissatisfied with OMAH's use of the works and wants to transfer them to the Varley Art Gallery of Markham. To date a one-year loan agreement has been worked out, beginning from the time the Varley receives the works, likely in June 2015. The Varley hopes that the loan period will be much longer, and may eventually become a promised gift. No action is required from the Committee at this time.

The Committee expressed great enthusiasm for this loan and felt that the Board and Varley staff should do everything possible to promote its eventual donation. Discussion followed.

**Motion:** That the Chair of the Acquisitions Committee request up to \$20,000 from the Foundation Board at its next meeting (evening of May 11, 2015) to cover the following in relation to the MacQuarrie loan: transportation, appraisal, conservation or framing needs, exhibition installation, accompanying publication, and an event to recognize Mr. MacQuarrie.

Moved by Ernestine Tahedl, seconded by Beverly Schaeffer. Passed

Artist	Title	Date	Medium	Dimension
A.J. Casson	Twilight, Palmer Rapids		oil	12 x 15 in.
A.J. Casson	Winter Road, Pinegrove		oil	12 x 15 in.
A.J. Casson	Log House, Sturgeon Lake	1936	oil on board	9.5 x 11.5 in.
A.J. Casson	Algonquin Park		oil	30 x 37 in.
A.J. Casson	Late Autumn		oil	8.4 x 11.25 in.
Arthur Lismer	A Georgian Bay Island	1926	oil on board	12.75 x 16 in.
Arthur Lismer	Bud Altar, Georgian Bay		oil	12 x 16 in.
A.Y. Jackson	Prairie Elevators		oil on canvas	12 x 16 in.
A.Y. Jackson	Steel Works, Leeds, England		oil	7 x 10.5 in.
A.Y. Jackson	Northern Landscape		pencil	8 x 10 in.
Lawren Harris	Mountains Jasper		oil on board	10.5 x 13.75 in.
Franklin Carmichael	Cranberry Lake		oil	11.75 x 16 in.
Franklin Carmichael	Sawmill		watercolour	11.5 x 13 in.
F.H. Varley	Landscape Composition		oil on board	16 x 20 in.
J.E.H. MacDonald	Cathedral Mountain & Lake O'Hara	1930	oil	8.5 x 10.5 in.
L.L. FitzGerald	Stumps		watercolour	9.5 x 12.25 in.
L.L. FitzGerald	Vancouver Scene		ink	8 x 10 in.
F. Johnston	Spring on the Gouffre		oil	7 x 10 in.
F. Johnston	Northern Night		oil	7 x 10 in.
F. Johnston	Wind in the Pines	1927	tempera on paper	40 x 30 in.

**b) Potential donation of 2 Varley drawings from the collection of Michael Wayne and Sandra Tychsen**

The Director informed that Committee that she had been contacted by a friend from the University of Toronto, Professor Emeritus Michael Wayne, who, with his wife, Sandra Tychsen owned two Varley drawings. They plan to offer them for donation to the Varley Art Gallery. They will bring them to the

Varley on May 19, 2015 for the Director and Curator to view. The Director had no other information regarding the specifics of the works, other than the fact that one of them appears in Allan Wargon's 1953 NFB short film about the artist. The Committee was pleased to hear of this potential donation and looked forward to hearing more about the drawings.

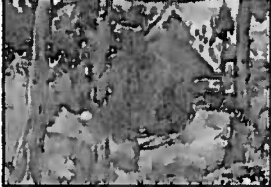
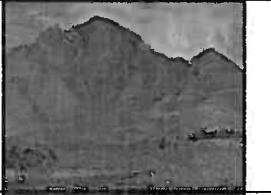

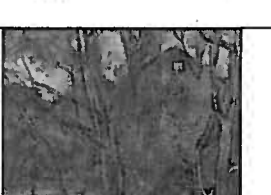
**4. Other Business**


**a) Process for acquiring works at auction.**

John Ingram inquired if the Varley Art Gallery ever bought works at auction, and if so, through what process. Committee members replied in the affirmative. This had been done in the past, either through members of the Committee attending auctions and bidding on the Varley's behalf, or by finding an agent in the relevant location, to do so. In both cases, an upper limit for the bidder is established in advance, along with approval of the purchase by the Foundation Board. Mr. Ingram then indicated that he frequently bids on behalf of others, including cultural institutions (e.g. the Art Gallery of Greater Victoria) and would be happy to do so, for free, on behalf of the Varley, when possible/appropriate. It was also agreed that when time was of the essence, that the Committee could make decisions via email.

**b) Works by Varley at auction in May, 2015.**

The Committee then discussed several works coming up for auction in Toronto and Vancouver, to wit:

	<p><b>Heffel Live Auction Lot # 162</b>  <b>Frederick Horsman Varley</b>  <b>Woods in Autumn, Near Aylmer, Quebec</b>          watercolour on paper circa 1940, 9 3/4 x 13 1/2 in 24.8 x 34.3 cm  <b>Estimate: \$8,000 ~ \$12,000 CAD</b></p>
	<p><b>Heffel Live Auction Lot # 126</b>  <b>Frederick Horsman Varley</b>  <b>Pyramid Mountain, Jasper</b>          oil on canvas board , 11 3/4 x 14 3/4 in 29.8 x 37.5 cm  <b>Estimate: \$25,000 ~ \$35,000 CAD</b></p>
	<p><b>Heffel Live Auction Lot # 127</b>  <b>Frederick Horsman Varley</b>  <b>Sunset After Storm, Kootenay, BC</b>          oil on board , 11 3/4 x 15 in 29.8 x 38.1 cm  <b>Estimate: \$30,000 ~ \$50,000 CAD</b></p>
	<p><b>Heffel Online Auction Lot # 633</b>  <b>Frederick Horsman Varley</b>  <b>Houses in Trees</b>          charcoal and pastel on paper , 8 1/2 x 10 1/4 in 21.6 x 26 cm  <b>Estimate: \$2,500 ~ \$3,500 CAD</b></p>

	<p><b>Consignor Online Auction Lot #13</b> <b>FREDERICK HORSMAN VARLEY</b> <b>Mabou - Cape Breton</b> oil on canvas board, signed lower right; titled and Varley Inventory Number (441) stamped on the reverse, 12 x 15 ins ( 30.5 x 38.1 cms ) <b>Estimated: \$25,000.00 - \$30,000.00</b> Opens May 20th at 10:00:00 AM EDT Closes May 28th at 02:00:00 PM EDT</p>
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John Ingram indicated that he would be in Vancouver for the May 27 Heffel Live Auction and could bid there on the Varley's behalf, if requested. It was agreed that the Varley Director and Curator would consult as soon as possible and let the Committee members know if any of these 5 works on offer in May were of interest to them for acquisitions. The Committee would then determine what an upper bidding limit would be. It was noted that the Foundation Board should also be alerted about this possibility as soon as possible. Chair Edie Yeomans agreed to include this item in her report to the Board at its May 11, 2015 meeting.

**5. Adjournment**

**Motion:** That the meeting be adjourned.

Moved by Beverly Schaeffer, seconded by John Ingram. Passed.



**MARKHAM PUBLIC ART ADVISORY COMMITTEE**

**MINUTES  
March 25, 2015  
Meeting No. 2**

---

**PRESENT**

Members

Paul Cosburn  
Taleen Der Haroutiounian  
Frankie Ip  
Stephen Lusk  
Alina Tarbhai

**REGRETS**

Dr. Jadwiga Byszewski  
Glen Harrington  
Judy Lau  
Peter Pavlovic

Staff

Corinna Ghaznavi, Public Art Coordinator  
Mohammed Hosseini-Ara, Director of Culture  
Bev Shugg Barbeito, Committee Coordinator

**1. CALL TO ORDER**

The Markham Public Art Advisory Committee was called to order at 6:07 pm with Paul Cosburn serving as Chair.

**2. DECLARATION OF PECUNIARY INTEREST**

None was declared.

**3. CHANGES OR ADDITIONS TO THE AGENDA**

The agenda was accepted as distributed.

**4. ADOPTION OF THE MINUTES OF THE MARKHAM PUBLIC ART ADVISORY COMMITTEE MEETING ON JANUARY 7, 2015**

It was

Moved by            Taleen Der Haroutiounian  
Seconded by        Alina Tarbhai

THAT the minutes of the Markham Public Art Advisory Committee meeting held on January 7, 2014 be adopted as distributed.

**CARRIED**

**5. BUSINESS ARISING FROM THE MINUTES**

It was noted that reports would be made on these items during the meeting.

**6. DONATION OF "CHARITY" SCULPTURE**

Corinna Ghaznavi, Public Art Coordinator, distributed and reviewed information submitted by Helen Roman-Barber relating to her donation of the "Charity" sculpture to Markham. Owned by the Roman family, Charity was a show cow which won several awards and was three times Grand Champion of the Royal Winter Fair. It is proposed to place the "Charity" sculpture in Crescent Park in the centre of Charity Crescent, named for her and to honour the rich Holstein history of Markham.

Created by well known sculptor Ron Baird, the "Charity" sculpture is made of cold-forged stainless steel polished to a mirror finish. A garland around Charity's neck is made from water-jet cut oxidized stainless steel. The work is completed with Charity placed on mirror polished stainless steel stilts. The sculpture is 11 metres high, 2 metres wide and 4.5 metres long. Black granite paving is proposed to be installed over the base. All pieces are ready for installation, which is hoped to take place in May 2015.

In cases of donations of artwork to the City of Markham, policy requires that the Varley Art Gallery Acquisitions Committee serve as an arms-length group to review the work. The committee reported that it had approved in principle the donation of the "Charity" sculpture. However, it also noted concerns about what it termed "the extreme height" of the work and ensuing issues of safety, security and maintenance.

In discussion, Markham Public Art Advisory Committee members noted their wish to have:

- a knowledgeable opinion on the proper scalability of the work;
- certification by a professional engineer that the work is safe;
- information about the requirements needed to maintain the work over time.

Markham Public Art Advisory Committee members also considered it important to evaluate the work in relation to the size of Crescent Park and to its location in the park, since the work is large and the park is sparsely treed. The Committee cited concerns with safety, esthetics, and the choice of location.

It was

Moved by            Stephen Lusk  
Seconded by        Alina Tarbhai

That the Markham Public Art Advisory Committee recommend to Markham Council that the artwork proposal for the "Charity" sculpture, commissioned by Helen Roman-Barber and created by sculptor Ron Baird, be accepted as proposed.

**DEFEATED**

The Markham Public Art Advisory Committee agreed to advise sculptor Ron Baird of the Committee's concerns and invite him to make a presentation to the Committee at a future meeting.

**7. MARKHAM MUSEUM PARK**

Corinna Ghaznavi previously reported that a parkette will be designed for the area immediately north of the Markham Museum on Highway 48, and that the funds donated by a local developer be used to commission an art work for the parkette. The Committee had recommended to Markham Council that the artwork proposal for the Markham Museum Parkette site submitted by Stephen Cruise be accepted. Ms. Ghaznavi reported that she is working with Linda Irvine, Manager Parks & Open Spaces, to confirm the location of where the work will be installed.

**8. SCULPTURE PATH – MARKHAM MUSEUM**

Corinna Ghaznavi reported that the artwork designed by kipjones is on schedule and, dependent on ground conditions, is expected to break ground in June 2015.

**9. SCULPTURE PATH – TOOGOOD POND**

Corinna Ghaznavi reported that the project is on schedule and the animal figures (three bronze dogs (a terrier, a hound and a borzoi) and a bronze squirrel) are being created by the foundry. Installation is on schedule for the spring when the ground is dry.

**10. WILLIAM BERCZY COMMEMORATIVE MONUMENT**

It was previously reported that TACC Developments has proposed placing a commemorative monument to William Berczy by Marlene Hilton Moore in a park in its new development in Upper Unionville. TACC Developments is working with Markham Urban Design staff on this project; they are waiting for geo-tech information from the Markham Parks department before proceeding further.

**11. CORNELL COMMUNITY CENTRE**

Corinna Ghaznavi reported that Alina Tarbhai joined her on a visit to Douglas Walker's studio on January 21, 2015. Known for his "Blue and White" delft tile work, Mr. Walker proposed to use this concept on ceramic tiles for the art work at the Cornell Community Centre; however, he has difficulty in finding a technique to accomplish this successfully. Mohammed Hosseini-Ara, Director of Culture, has advised Mr. Walker that installation of the work must take place in April 2015.

**12. TRAFFIC CONTROL BOXES PHASE II**

It was previously reported that Forge Collective was selected as the artist team for the first phase of the Traffic Control Boxes art project, which was initiated by the Public Realm Committee and supported by the Public Art program.

The artists of Forge Collective are mentoring students of Unionville High School in Phase II of the project to create two new wrap designs to promote heritage, the Pan Am games, and a Pan Am street component. Corinna Ghaznavi reported that fifteen students submitted designs including archival images superimposed on a map of the area (heritage), flags, figures morphing into flames, beavers playing water polo, a heart pumping on a background of track times, a runner with an artificial leg (Pan Am and Para Pan Am Games), and a crosswalk and birds (Pan Am street component). She will discuss the project with Forge Collective soon. The project is on target and installation is planned for spring 2015. It is hoped to install as many of these designs as possible at the intersection of, and south of, the Pan Am Center.

### **13. BICYCLE RACKS (Joint project with the Public Realm Committee)**

It was previously reported that Forge Collective was selected as the artist team for the project with its two designs: "Follow Me" and "Zephyr". Corinna Ghaznavi reported that this project is currently on hold while Markham and Forge Collective investigate cost effective options.

### **14. PUBLIC ART UPDATES**

It was recommended that the Committee consider sites for future art works in order to avail itself of available funding. Suggestions included the Thornhill Community Centre, the southeast corner of Highway 7 and Old Kennedy Road, the new bridge on Birchmount Road south of Highway 7, and the park between the Markham Stouffville Hospital and the Cornell Community Centre. Corinna Ghaznavi will investigate whether the park is public land.

### **15. NEW BUSINESS**

- In the long term, Mayor Scarpitti would like Markham to be a destination for arts and culture and for Markham to host festivals. The Committee could spearhead this initiative.
- Taleen Der Haroutiounian reported that, as a resident, she has created a Facebook page which she hopes will start conversations about art. The Committee thanked her for her efforts. It was suggested that, to attract others to the page, she share it with Markham Library, Markham Arts Council, Cornell Community Centre, and Cornell Moms group.
- Mohammed Hosseini-Ara has been confirmed as Director of Culture for Markham.

### **16. NEXT MEETING DATE**

The next meeting is scheduled to be held on Wednesday, May 20, 2015 at 6:00 pm.

### **17. ADJOURNMENT**

It was

Moved by            Stephen Lusk  
Seconded by        Taleen Der Haroutiounian

That the Markham Public Art Advisory Committee meeting adjourn at 8:05 p.m.

CARRIED



**MARKHAM PUBLIC ART ADVISORY COMMITTEE**

**MINUTES**  
**May 27, 2015**  
**Meeting No. 3**

---

**PRESENT**

Members

Paul Cosburn  
Taleen Der Haroutiounian  
Frankie Ip  
Adam Keung  
Stephen Lusk  
Alina Tarbhai  
Julie Tiefenbach  
Jenny Tung  
Ken Wightman

Council

Councillor Alan Ho

Guests

Ron Baird, sculptor  
Paul DiProffio, landscape architect  
James Ruddle, artist

Staff

Corinna Ghaznavi, Public Art Coordinator  
Laura Gold, Council and Committee Coordinator  
Mohammed Hosseini-Ara, Director of Culture  
Bev Shugg Barbeito, Committee Coordinator

**REGRETS**

Rahul Shastri

**1. CALL TO ORDER**

The Markham Public Art Advisory Committee was called to order at 6:04 pm with Paul Cosburn serving as Chair.

**2. DECLARATION OF PECUNIARY INTEREST**

None was declared.

**3. CHANGES OR ADDITIONS TO THE AGENDA**

The agenda was accepted as distributed.

**4. ADOPTION OF THE MINUTES OF THE MARKHAM PUBLIC ART ADVISORY COMMITTEE MEETING ON MARCH 25, 2015**

It was

Moved by            Taleen Der Haroutiounian  
Seconded by        Stephen Lusk

THAT the minutes of the Markham Public Art Advisory Committee meeting held on March 25, 2015 be adopted as distributed.

CARRIED

**5. BOARD AND COMMITTEE ORIENTATION**

Laura Gold, Council and Committee Coordinator, Clerk's Office, made a presentation designed to help familiarize Committee members with their volunteer role on the Committee. Topics included Municipal governance, roles and expectations, Code of Ethics, Accessibility considerations, Diversity considerations, Privacy & Confidentiality considerations, media relations, conflict of interest, procedures & meeting management, and meeting effectiveness. Ms. Gold requested that new members read the Accessibility Guide in their orientation packages, since providing accessible customer service is required by law.

**6. BUSINESS ARISING FROM THE MINUTES**

It was noted that reports would be made on these items during the meeting.

**7. DONATION OF "CHARITY" SCULPTURE**

Corinna Ghaznavi, Public Art Coordinator, reviewed the project for the benefit of new members. She advised that Helen Roman-Barber had commissioned well known sculptor Ron Baird to create a sculpture of "Charity" which she planned to donate to the City as public art. Charity was a show cow, owned by the Roman family, which won several awards and was three times Grand Champion of the Royal Winter Fair. Ms. Roman-Barber proposes to place the "Charity" sculpture in Crescent Park in the centre of Charity Crescent, named for the cow and to honour the rich Holstein history of Markham.

The "Charity" sculpture is made of cold-forged stainless steel polished to a mirror finish. A garland around Charity's neck is made from water-jet cut oxidized stainless steel. The work is completed with Charity placed on mirror polished stainless steel stilts. The sculpture is 11 metres high, 2 metres wide and 4.5 metres long. Black granite paving is proposed to be installed over the base. It is hoped that installation may take place soon.

The Varley Art Gallery Acquisitions Committee served as an arms-length group to review the work. The committee approved in principle the donation of the "Charity" sculpture; however, it also noted concerns about what it termed "the extreme height" of the work and issues of safety, security and maintenance. The Markham Public Art Advisory Committee members also noted concerns with proper scalability of the work, safety, maintenance requirements over time, esthetics, and the choice of location. As a result, Ron Baird was advised of the Committee's concerns and invited to make a presentation to the Committee.

Ron Baird and landscape architect Paul DiProfio were welcomed to the Committee. They advised that they wished to clarify the project for the Committee members. Mr. Baird spoke of the history of Charity, a super cow which ate grass in fields where Ms. Roman-Barber grew up and where Charity Crescent is now located. He described the design: 1.5 times the size of a cow so that it would be seen as a powerful piece of sculpture; made of stainless steel to reflect grass and trees, with a garland made of forged steel that will never deteriorate. He advised that the sculpture had been rigorously engineered and would be resistant to acid rain, ultraviolet light and the elements, so that it would be close to a permanent structure.

Paul DiProfio advised that Ms. Roman-Barber was involved in the selection of the site. It was considered important to introduce an important sculpture in Crescent Park to balance the water feature in its sister park, Victoria Square Park. Charity is to be a monumental sculpture looking north to the Cathedral of the Transfiguration built by the Roman family; Charity is intended to be integrated with the sky and landscape, conveying a sense of strength and power.

Ron Baird reviewed the technical dimensions of the sculpture. He advised that public sculpture is sometimes subject to vandalism so having Charity on stilts would prevent this. In response to questions from Committee members, Mr. Baird advised that he did not think that the stilts would attract people wanting to climb them. Ron Baird concluded the presentation by showing pictures of a number of his other works installed in locations across Canada and overseas.

In response to questions from Committee members, Ron Baird said he had never asked whether the property was secured for the installation of the work and he did not know whether home owners in that area had been consulted on this matter. Committee members were advised by staff that the City would, in fact, need to obtain feedback from home owners and would also need to obtain approval from Council. Ron Baird and Paul DiProfio advised that another site would probably not be considered favourably since the artist and donor felt much investigation and effort were devoted to selecting the Charity Crescent site.

Chair Paul Cosburn thanked Ron Baird and Paul DiProfio for their presentation. They left the meeting at 7:30 p.m.

Committee discussion brought forth the following points:

- It was felt that structural concerns were addressed
- Reflections from the statue into homes may still be an issue
- The sculpture will be taller at 27 ft. total than houses in the area
- It was suggested that another location on the south side of Cathedral Town might be more suitable, however, there did not seem to be flexibility in the location
- The Committee expressed disappointment that the presentation did not address its concerns relating to height and the proposed site location

- Public consultation will be required
- If the Markham Public Art Advisory Committee votes not to accept the donation as public art, the donor may still offer the work to the City as a donation but not as public art

It was

Moved by           Ken Wightman  
Seconded by       Stephen Lusk

That the Markham Public Art Advisory Committee recommend to Markham Council that the artwork proposal for the “Charity” sculpture, commissioned by Helen Roman-Barber and created by sculptor Ron Baird, not be accepted as proposed.

CARRIED

#### **8. HENDERSON BRIDGE MURAL PHASE II**

Corinna Ghaznavi reviewed the project for the benefit of new members. In 2013, the Markham Public Art Advisory Committee had partnered with the Markham Public Realm Committee for Phase I of this project. Five emerging York Region artists, who had never before had the opportunity to produce a major art work, were selected for the project and artist Katherine Harvey was engaged to mentor them. Phase I consisted of presenting art on one side of three sections of the Henderson Bridge wall since it was felt that they were the most visible.

Corinna Ghaznavi introduced James Ruddle to make a presentation about Phase II - to install art on the east wall of the bridge. Mr. Ruddle spoke about his training, his use of a blowtorch to create his works, and showed a number of murals he has created. He cited the goals of the project: to illustrate how artwork should be vibrant, to provide an alternative to graffiti, increase awareness of Graffiti Management Regulations, and engage students and citizens in the project.

James Ruddle showed a rendering of the proposed work – an image reminiscent of the Group of Seven transitioning into a street urbanscape, showing traditional Markham changing into an urban Markham with a new City landscape. Using stencils, he plans to spray paint the image directly on to the concrete bridge. A silicon wax coating will be applied to help preserve the work and resist graffiti. He has reached out to high schools in Thornhill to ask if any students would be interested in working with him on the project.

Chair Paul Cosburn thanked James Ruddle for his presentation. He left the meeting at 7:50 p.m.

It was

Moved by           Alina Tarbhai  
Seconded by       Stephen Lusk

That the Markham Public Art Advisory Committee endorses the Henderson Bridge Mural Phase II artwork proposal, created by James Ruddle, and recommends to Markham Council that it be accepted as proposed as a joint project of the Markham Public Realm Committee and the Markham Public Art Advisory Committee.

CARRIED

**9. SCULPTURE PATH – MARKHAM MUSEUM**

Corinna Ghaznavi reported that, in 2014, it was decided to locate a second sculpture project at the Markham Museum to the left of the new museum building. A general call for art proposals was made and an artwork proposal by kipjones was selected. It featured a 21 foot gambrel barn structure with the structure base representing the “grounded” history of Markham and the upper section representing that Markham is open to the future. It is expected that the structure will be readily visible to passersby and attract them to the Markham Museum. The project is on schedule. kipjones has started to install the work; it is expected to be complete by July 4 with the unveiling scheduled for July 7, 2015.

**10. SCULPTURE PATH – TOOGOOD POND**

Corinna Ghaznavi reported that, in 2013, the Committee agreed to undertake the project of commissioning a piece to begin a sculpture path. Mary Anne Barkhouse, an indigenous artist whose works are created in bronze and granite, was commissioned for the project. The concept for the work is a granite sculpture in the form of an 18” high ‘bench’, inspired by designs of formal gardens found at European palaces such as Versailles, positioned on either side of a large natural boulder. Around the boulder would be three bronze dogs (a terrier, a hound and a borzoi) looking up at a bronze squirrel perched on top of the boulder. The work will be located in the park at Toogood Pond on a large, flat, high piece of land visible from Carlton Road. The project is on schedule and the animal figures, being created by the foundry, are expected to be completed by the end of July. A meeting has been held to prepare the ground of the site. Installation is scheduled for August 2015.

**11. WILLIAM BERCZY COMMEMORATIVE MONUMENT**

It was previously reported that TACC Developments has proposed placing a commemorative monument to William Berczy by Marlene Hilton Moore in a park in its new development in Upper Unionville. TACC Developments is working with Markham Urban Design staff on this project; engineering drawings have been submitted and the project will be going to tender very soon. Installation is tentatively scheduled for November 2015.

**12. CORNELL COMMUNITY CENTRE**

Corinna Ghaznavi and Mohammed Hosseini-Ara, Director of Culture, reported that they receive daily progress reports from Douglas Walker. Known for his “Blue and White” delft tile work, Mr. Walker proposed to use this concept on ceramic tiles for the art work at the Cornell Community Centre; however, he has had difficulty in finding a technique to accomplish this successfully. Installation of the work is tentatively scheduled for July 2015.

**13. TRAFFIC CONTROL BOXES PHASE II**

It was previously reported that Forge Collective was selected as the artist team for the first phase of the Traffic Control Boxes art project, which was initiated by the Public Realm Committee and supported by the Public Art program. In Phase II of the project, the artists of Forge Collective have mentored students of Unionville High School. They have submitted new wrap designs to promote heritage (a goose), the Pan Am games (raccoons), and four Pan Am wraps. Corinna Ghaznavi reported that installation is planned for early June, with the unveiling scheduled for June 17, 2015.

**14. OTHER PUBLIC ART UPDATES**

Corinna Ghaznavi reported that a developer has contributed \$150,000 to public art and would like to have a work installed around the Thornhill Community Centre. It might be possible to add \$150,000 from the Markham Public Art Advisory Committee budget to support an even more substantial project. The Committee discussed possible sites: the southeast corner of Highway 7 and Old Kennedy Road, the new bridge on Birchmount Road south of Highway 7, the park between the Markham Stouffville Hospital and the Cornell Community Centre, and the park on the northwest corner of Warden and Sixteenth Avenues.

**15. NEW BUSINESS**

None was identified.

**16. NEXT MEETING DATE**

The next meeting will be scheduled in fall 2015.

**17. ADJOURNMENT**

It was

Moved by            Taleen Der Haroutiounian  
Seconded by        Alina Tarbhai

That the Markham Public Art Advisory Committee meeting adjourn at 8:50 p.m.

CARRIED



**MARKHAM PUBLIC ART ADVISORY COMMITTEE  
ONTARIO ROOM, MARKHAM CIVIC CENTRE**

**Minutes  
Meeting No. 4.  
Wednesday, October 14, 2015  
6:00 p.m.**

---

**PRESENT**

Members

Paul Cosburn  
Taleen Der Haroutiounian  
Frankie Ip  
Adam Keung  
Stephen Lusk  
Alina Tarbhai  
Julie Tiefenbach  
Jenny Tung  
Ken Wightman

Council

Councillor Alan Ho

Staff

Corinna Ghaznavi, Public Art Coordinator  
Laura Gold, Council and Committee  
Coordinator  
Mohammed Hosseini-Ara, Director of Culture

**REGRETS**

Rahul Shastri

**1. CALL TO ORDER**

The Public Art Advisory Committee convened at 6:05 pm with Paul Cosburn presiding as Chair.

**2. DECLARATION OF PECUNIARY INTEREST**

None was declared.

**3. CHANGES OR ADDITIONS TO THE AGENDA**

The agenda was accepted as distributed.

**4. ADOPTION OF THE MINUTES OF THE MARKHAM PUBLIC ART  
ADVISORY COMMITTEE MEETING HELD ON MAY 27, 2015**

Moved by Ken Wightman  
Seconded by Jenny Tung

That the May 27, 2015, Public Art Advisory Committee Minutes be approved as presented.

CARRIED

**5. BUSINESS ARISING FROM THE MINUTES**

It was noted that reports would be made on these items during the meeting.

**6."CHARITY" SCULPTURE**

The artist of the "Charity" sculpture will be meeting with the Mayor to discuss the sculpture.  
The Committee declined the donation of the sculpture at the May 27, 2015 meeting.

**7. HENDERSON BRIDGE MURAL PHASE II**

The second phase of the Henderson Bridge has been completed. Pictures of the mural were displayed to the Committee.

**8. MARKHAM MUSEUM**

The installation at Markham Museum has been completed. Feedback on the project has been very positive to date.

**9. TOOGOOD POND PROJECT**

The installation at Toogood Pond is completed with the exception of the installation of one additional sculpture, which will be installed in the spring. Feedback on the project has been positive. Staff are working on having the maintenance of the sculptures added to the Life Cycle Reserve.

**10. WILLIAM BERCZY COMMEMORATIVE MONUMENT**

The Berczy Commemorative Monument is ready for installation, but the project has been put on hold until the construction of the park is complete.

## **11. CORNELL COMMUNITY CENTRE PUBLIC ART INSTALLATION**

The public art to be installed at the Cornell Community Centre must be completed by October 31, 2015. The artist has committed to this deadline. Pictures of the artwork to date were displayed to the Committee.

## **12. TRAFFIC CONTROL BOX WRAPS PHASE II**

Phase II of the Traffic Control Box Wraps has been completed. Most of the newly wrapped traffic boxes are located around the Pan Am Centre. The majority of the standard sized traffic boxes in Markham have now been wrapped.

## **13. OTHER PUBLIC ART UPDATES**

### South East Community Centre

The construction of the South East Community Centre has been delayed, which will delay the installation of the public art works.

### Funding of Public Art

The Committee discussed funding sources for public art, and some of the challenges municipalities face in obtaining/securing funding for public art. There is also a new bill being passed by the Province that would prohibit municipalities from asking developers for money for public art. Member suggested reaching out to private business (other than developers) for sponsorship of public art works.

### Veteran's Square

The City has obtained a grant to revitalize the cenotaph located at the corner of 48 and Highway 7. The project includes a substantial amount for public art, \$600K. While Linda Irvine will lead the project, she has asked the Culture Department to take the lead on the public art component. The project is a Council driven project being led by the Urban Design Department.

### Benjamin Thorne

The City has received a grant for the Benjamin Thorne monument, which was to be located in front of the Thornhill Community Centre. The City is considering potentially moving the project to be located at the entrance of Pomona Mills Tennis Club. This location is actually within the Thornhill heritage district and closet to Benjamin Thorne's homestead. Staff will work with Canada 150 to determine if the move is acceptable and whether it will impact the grant.

### Brainstorming Session

It was suggested that the Committee do a brainstorming exercise at its next meeting. The purpose of the exercise would be to provide the Committee with more structure, and with some key items it could work towards. A Member suggested hosting a public art event.

## **14. NEW BUSINESS**

Public Art Advisory Committee  
October 14, 2015  
Page 4 of 4

Paul Cosburn stepped down from the role of the Chair. He also advised that his term is up November 30, 2015, and that he is hoping to serve a second term on the Committee. The Committee elected a new Chair and Vice-Chair.

Moved by Jenny Tung  
Seconded by Adam Keung

That Steven Lusk be elected as Chair of the Public Art Advisory Committee.

CARRIED

Moved by Jenny Tung  
Seconded by Alina Tarbhai

That Taleen Der Haroutiounian be elected as Vice - Chair of the Public Art Advisory Committee.

CARRIED

#### **15. NEXT MEETING DATE**

The next meeting of the Public Art Advisory Committee will be held Wednesday, January 20, 2016 at 7:00 pm.

#### **16. ADJOURNMENT**

The Public Art Advisory Committee adjourned at 7:43 p.m.



**MARKHAM PUBLIC ART ADVISORY COMMITTEE  
ONTARIO ROOM, MARKHAM CIVIC CENTRE**

**Minutes**

**Meeting No. 2.**

**Wednesday, April 13, 2016**

**6:00 p.m.**

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**PRESENT**

**Members**

Julie Tiefenbach

Rahul Shastri

Paul Cosburn

Taleen Der Haroutiounian

Frankie Ip

Stephen Lusk

Alina Tarbhai

Jenny Tung

Ken Wightman

**Staff**

Corinna Ghaznavi, Public Art Coordinator

Moe Hosseini-Ara, Director of Culture

Laura Gold, Committee Coordinator

**REGRETS**

Councillor Alan Ho

Adam Keung

**1. Call to Order**

The Public Art Advisory Committee was called to order at 6:08 pm with Stephen Lusk presiding as Chair.

**2. Declaration of Pecuniary Interest**

None.

**3. Changes or Additions to the Agenda**

There were no changes or additions to the agenda.

#### **4. Approval of Minutes**

The Committee reviewed the Minutes from the previous meeting

Moved by Jenny Tung

Seconded by Paul Cosburn

That the January 13, 2016, Public Art Advisory Committee Minutes be approved as presented.

CARRIED

#### **5. Business Arising from the Minutes**

##### Youth Ambassador

The Committee was still waiting for a response from staff regarding adding a Youth Ambassador from the Mayor's Youth Task Force to the Committee. James Ruddle, Head of the Visual Arts Department at Bill Crothers Secondary School has been approached about suggesting a candidate, either from existing students or from former students still active in Markham and the arts.

##### Charity Sculpture

A recommendation is being made by staff to accept the donation of the Charity Sculpture. If Council accepts the donation, all costs including installation of the sculpture will be covered by the donor – Helen Roman-Barber. Staff are working with City's Legal Department to draw up a donation agreement.

##### York University

A Committee Member reported that they heard that the York University Fine Arts Campus may be coming to Markham.

#### **6. Review of Markham 2003 Public Art Framework**

The Committee reviewed highlights from the 2003, Public Art Framework. Staff advised that this document is outdated and is no longer used.

Markham passed its two Public Art Policies in 2012. The City soon after started undertaking public art projects. The City will be reviewing its Private Sector Public Art Policy (2012 CFS 03) due to recent changes in legislation, which no longer permit the City to ask developers to make a 1% voluntary contribution to public art. Staff are meeting with the City's Legal and

Planning Departments to discuss the new legislation and the required changes to the policies. The Committee's role is outlined in these policies.

It was noted that one of the Committee's role is to provide advice to Council on public art being considered for City lands or properties, but Council will make the final decision on the approval of the public art. The Committee can also undertake a project related to public art. The Public Art Advisory Committee reviews and advises Council on all private and municipal public art projects, but as an advisory committee they do not make the final decision on whether the City accepts or rejects a project. All new public art projects go through a selection process as outlined in the Public Art Policy, which includes a final presentation to the Advisory Committee. The committee can then make recommendations, however, unless the project is offensive, inappropriate or not in alliance with Markham's strategic priorities, the committee does not have the power to reject the project once it has been selected through the Public Art Selection Process. The Public Art Advisory Committee does not have the authority to review or reject public artwork being installed on private property.

Staff advised that Council recently approved a Public Realm Policy for the City. The Clerk will circulate the policy to the Committee. Some of the City's recent public realm projects include the bridge on Henderson Avenue, and the wraps that were placed on the traffic control boxes. The Public Realm Committee's focus is more on beautification, but also has components related to and supporting public art.

#### **7. Funding for Public Art**

Staff are trying to find a revenue source that would support Markham's Public Art Program now that developers can no longer be approached to make voluntary contributions to public art. Until a funding source is found, public art projects will be reviewed and approved through the budget process.

#### **8. Private Sector Contributions to Public Art**

It was noted that although developers can no longer be asked to make voluntary contributions to public art, other private organization can still be approached and asked to sponsor a public art piece.

#### **9. Update on Public Art Projects**

##### Toogood Pond

The bronze statue of a dog will be installed at Toogood Pond on June 15, 2016.

### William Berzy Commemorative Monument

The William Berzy Commemorative Monument is in storage, but is ready to be installed once construction is complete.

### South East Community Centre

The public art piece will be installed once the community centre is complete.

### Cornell Community Centre

The public art at the Cornell Community Centre has been installed. A successful grand opening was held. The City would like to video record the artist inspiration and interpretation of the project to be posted on the website. Both staff and residents have provided positive feedback with respect to the piece.

### Veteran Square

The Veteran Square project has been approved and the final agreements are in the process of being finalized.

### Benjamin Thorne

The Benjamin Thorne project has been approved and the final agreements are in the process of being finalized. The monument will be located at the entrance to the Thornhill Community Centre, as Canada 150 did not support it being relocated to Pomona.

## **10. Toronto Beaches Public Art Installation – design competition using public space – drawing it in that way**

The Committee discussed a field trip it took to the Toronto Beaches to visit a temporary public art installation. The public art pieces were completed as part of a design competition and the project was sponsored by the private sector. The project was a good example of the economic benefits public art can bring to an area; people going to see the public art also shop and eat at local stores and restaurants.

The Committee discussed the possibility of doing a similar type of project in Markham.

## **11. Quarry/Barkhouse Sculpture Instagram Contest to Engage Community**

Jenny Tung met with Corinna Ghaznavi, who subsequently met with a representative from the City's Corporate Communications Department regarding the idea to hold a Quarry/Barkhouse Sculpture Instagram Contest. The contest will encourage residents to take pictures with Markham's public art and tag them. The contest will help create excitement and awareness

about Markham's public art. The total cost of the project is approximately \$1,000. A prize will be given to the resident with the best picture. The prize can be a \$100 credit to City activities or a small budget can be assigned to this. Consideration was being given to approach Global Pet as a possible sponsor of the contest. The contest will be promoted through social media, at community centres and libraries, and through other City outlets. The person running the contest ran a similar contest to gain momentum for the Pan Am Games where residents were encouraged to get a picture with Pachi.

#### **12. Pan AM Athletes Crothers Students Public Art**

Moe Hosseini-Ara briefly spoke about the Pan Am event recently held at Civic Centre, which exhibited artwork of Markham athletes that competed in the Pan AM Games. The artwork was created by students at the local high school. The total cost of the public art project was about \$1,500, as the city paid for the students' supplies. The artwork will be hung at the Pan Am Centre. The Committee thought this was a great example of a low cost community public art project.

#### **13. Markham Nuit Blanche Possibilities**

Alina Tarbhai spoke about Toronto's Nuit Blanche festival. The festival is strictly a Toronto event and Markham cannot participate in the event. The Nuit Blanche Festival Committee suggested that Markham create its own event and provided some tips on how to go about this. It found it challenging to secure funding for the festival.

The Committee briefly discussed how entrances to cities can be public art.

#### **14. Art Summit Possibilities**

The Committee discussed the possibility of holding an art summit in Markham. The summit could bring together Markham's existing art community. The Committee decided to create a Sub-Committee to look into the possibility of holding the summit, developing a vision for the proposed summit, and determining who it will engage if it proceeds with the event.

The Sub-Committee will be comprised of the following Committee Members:

Jenny Tung

Ken Wightman

Alina Tarbhai

Taleen Der Haroutiounian

Stephen Lusk

#### **15. Accounting of Current Funding and Regular Updates with a formal Ledger**

Staff advised they will provide regular updates to the Committee with respect public art funding.

#### **16. Canada Day 2017**

The Committee discussed the idea of creating a multigenerational public art piece for Canada 150. Staff advised that the City is already funding the Veteran's Square, and the Benjamin Thorne monuments as part of Canada 150. They did not think that Council would support a third project for this event, unless there were private funds for the monument. Any further discussion on the matter was referred to the Sub-Committee.

#### **17. Facebook**

Taleen Der Haroutiounian advised that she set up a personal Facebook Page "Public Art in Markham". The page has 70 likes, 100 twitter followers, and its popularity is gaining momentum. She asked the Committee to share the page with friends and family and to advise her of any items to post on the page. The tag for the page is "Public Art Markham". This tag should not be used for anything else.

It was suggested that when Markham has more public art works that it create an interactive map of the artworks as part of the Markham Public Art Web page

#### **18. New Business**

There was no new business.

#### **19. Next Meeting Date**

The Committee discussed increasing the number of meeting dates or having more sub-committee meetings between meeting dates. The next meeting of the Public Art Advisory Committee will be held on June 15, 2016 at 6:00 pm.

#### **20. Public Art Award**

The Committee requested that staff submit an application for the Public Art Award next year.

#### **21. Adjournment**

The Public Art Advisory Committee adjourned at 8:08 pm.

**REPORT NO. 24 – DEVELOPMENT SERVICES COMMITTEE****(1) MARKHAM PUBLIC ART  
ADVISORY COMMITTEE MINUTES  
- April 13, 2016 (16.0)  
Minutes**

- 1) That the minutes of the Markham Public Art Advisory Committee meeting held April 13, 2016 be received for information purposes; and,
- 2) That the Mayor and Clerk be authorized to execute an agreement acceptable to the City Solicitor, Commissioner, Community & Fire Services and Commissioner, Development Services with the donor for the donation, installation, and maintenance of the public art titled 'Charity' to be installed in Crescent Park.



Kimberley Kitteringham  
City Clerk

Copy to: Jim Baird, Commissioner of Development Services  
Brenda Librecz, Commissioner of Community & Fire Services  
Catherine Conrad, City Solicitor  
Stephen Chait, Director of Economic Development & Culture  
Laura Gold

Att. K



**Development Services Committee Minutes**

June 14, 2016, 2:00 PM to 6:00 PM

Council Chamber

Meeting No. 10

**All Members of Council**

**Development Services Issues**

Chair: Regional Councillor Jim Jones  
Vice-Chair: Councillor Don Hamilton

**Culture and Economic Development Issues**

Chair: Councillor Alex Chiu  
Vice-Chair: Councillor Alan Ho

**Transportation and Engineering Capital Projects Issues**

Chair: Regional Councillor Joe Li  
Vice-Chair: Regional Councillor Nirmala Armstrong

**Attendance**

Mayor Frank Scarpitti  
Deputy Mayor Jack Heath  
Regional Councillor Jim Jones  
Regional Councillor Joe Li  
Regional Councillor Nirmala Armstrong  
Councillor Valerie Burke  
Councillor Alan Ho  
Councillor Don Hamilton  
Councillor Karen Rea  
Councillor Colin Campbell  
Councillor Amanda Collucci  
Councillor Logan Kanapathi  
Councillor Alex Chiu

Andy Taylor, Chief Administrative Officer  
Jim Baird, Commissioner of Development Services  
Brenda Librecz, Commissioner of Community & Fire Services  
Chris Alexander, Acting Manager, By-law Enforcement and Regulatory Services  
Sally Campbell, Manager, East District  
Catherine Conrad, City Solicitor  
Anna Henriques, Senior Planner, Zoning and Special Projects  
Biju Karumanchery, Director of Planning and Urban Design  
Tom Villella, Manager, Zoning and Special Projects  
Kitty Bavington, Council/Committee Coordinator

The Development Services Committee convened at the hour of 2:05 p.m. in the Council Chamber with Regional Councillor Jim Jones in the Chair.

**DISCLOSURE OF PECUNIARY INTEREST**

- None Declared

**1. MARKHAM PUBLIC ART  
ADVISORY COMMITTEE MINUTES  
- April 13, 2016 (16.0)  
Minutes Design Presentation - Charity**

The Committee received a revised recommendation for this item. Staff displayed photos and renderings of the art donation of “Charity” for Crescent Park in Cathedraltown, and explained the acquisition process and maintenance provisions. Engineering and peer review will be required to ensure safe installation. It was suggested that a safety barrier be placed around the base, and that the donor be responsible for alternate installation if the stilt platform is not feasible.

The Committee expressed appreciation to the donor.

Moved by: Councillor Logan Kanapathi  
Seconded by: Councillor Alan Ho

- 1) That the minutes of the Markham Public Art Advisory Committee meeting held April 13, 2016 be received for information purposes; and,
- 2) That the Mayor and Clerk be authorized to execute an agreement acceptable to City Solicitor, Commissioner, Community & Fire Services and Commissioner, Development Services with the donor for the donation, installation, and maintenance of the public art titled ‘Charity’ to be installed in Crescent Park.

CARRIED

**2. RECOMMENDATION REPORT  
STRATEGIC DIRECTION (PHASE 2):  
NEW COMPREHENSIVE ZONING BY-LAW PROJECT  
PR 13 128340 (10.5)  
Report Appendix B Appendix C Appendix D**

**Appendix “A” - Strategic Direction Report**

Tom Vilella, Manager, Zoning and Special Projects, reviewed the New Comprehensive Zoning By-law Project to date and introduced the Strategic Direction (Phase 2) Report, which will be used by staff as a general guide to assist with the drafting of the new comprehensive zoning by-laws in Phase 3.

John Gladki, Gladki Consulting Inc., gave a presentation on this matter and reviewed draft recommendations for the following tasks:

- Guiding Principles, Parameters and Trends and Issues in Zoning
- Conformity with Official Plan, City Guidelines, Policies and Plans
- City Parent By-laws
- Site-specific Zoning By-law Amendments
- Minor Variances

- Zoning By-law Definitions
- Geographic Information Systems
- Automotive Uses
- Drive Through Facilities
- Parking and Loading Standards
- Residential Accessory Structures and Amenity Space
- Residential Home Occupations
- Infill Housing and Separation Distances
- Affordable and Shared Housing, and Secondary Suites
- Student Housing
- Places of Worship
- Greenway and Special Policy Areas
- Medical Marihuana Production Facilities
- Addition Recovery Centres
- Adult Entertainment and the Sex Industry

The Committee discussed:

- Minor Variance issues with respect to preserving neighbourhood character, while allowing neighbourhood regeneration
- Eliminating the term “Community Amenity Area”
- Using a common dictionary for some definitions not contained in the new zoning by-law
- On-site storage for motor vehicle dealerships
- Establishing a reasonable number for car stacking for drive through facilities
- Prohibiting “double drive-throughs” and what constitutes a “double drive-through”
- Parking in rear yards and parking commercial and recreational vehicles in residential areas
- Bicycle standards
- Provisions and signage for home occupations
- Establishing criteria for adult entertainment uses
- Providing flexibility for cash-in-lieu of parkland and Section 37 agreements
- Include all heritage districts in heritage-related issues
- Generally, all uses that legally existed prior to the new by-law would continue as legal uses.

Next Steps: the parking study will be completed to form parking rates and standards in the new zoning by-law, and terms of reference will be prepared for Phase 3 – the drafting of the new comprehensive zoning by-law including extensive public consultation. A staff report to Development Services Committee is targeted for early fall.

Moved by: Deputy Mayor Jack Heath

Seconded by: Councillor Amanda Collucci

- 1) That the report entitled, “RECOMMENDATION REPORT: Strategic Direction (Phase 2): New Comprehensive Zoning By-law Project” dated June 14, 2016, be received; and,

- 2) That the Strategic Direction Report (Appendix “A”) and Staff recommendations for revisions to the Strategic Direction Report (as discussed in this report and outlined in Appendix “C”) be endorsed in principle, as a general guide to the drafting of the new comprehensive zoning by-law (Phase 3); and further,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

3. **RECOMMENDATION REPORT  
WYKLAND ESTATES INC.  
(MATTAMY HOMES CORPORATION)  
SITE PLAN APPROVAL APPLICATION FOR A  
PROPOSED MIXED-USE 6-STOREY CONDOMINIUM  
APARTMENT BUILDING AND TEN STACKED TOWNHOUSE  
DWELLINGS ON THE EAST SIDE OF BUR OAK AVENUE  
NORTH OF HIGHWAY 7  
FILE: SC 15 149133 (10.6)  
Report**

Jim Baird, Commissioner of Development Services introduced the application by Wykland Estates Inc.

The Architect and representatives of the applicant were in attendance to display details and elevations of the site plan application for the east side of Bur Oak Avenue, north of Highway 7. The Committee discussed parking provisions and parking for the business component. The Ward Councillor spoke in support of the proposal and the Committee commended the sustainability initiatives.

Moved by: Councillor Colin Campbell  
Seconded by: Mayor Frank Scarpitti

- 1) That the report titled “RECOMMENDATION REPORT, Wykland Estates Inc. (Mattamy Homes Corporation), Site Plan Approval Application for a proposed mixed use 6-storey condominium apartment building and ten stacked townhouse dwellings on the east side of Bur Oak Avenue, north of Highway 7, File SC 15 149133, dated June 14, 2016, be received; and,
- 2) That the presentation by Wykland Estates (Mattamy Homes Corporation) regarding the proposed residential condominium development consisting of a mixed use six-storey condominium apartment building and ten stacked townhouse dwellings, be received; and,

- 3) That the Site Plan application (SC 15 149133) submitted by Wykland Estates Inc. (Mattamy Homes Corporation) to facilitate a residential condominium development consisting of a mixed-use six-storey condominium apartment building and ten stacked townhouse dwellings be endorsed in principle, subject to the conditions attached as Appendix 'A'; and,
- 4) That Site Plan Approval (SC 15 149133) be delegated to the Director of Planning and Urban Design or his designate; not to be issued prior to the execution of a site plan agreement and Section 37 Agreement; and,
- 5) That site plan endorsement shall lapse after a period of three (3) years from the date of endorsement in the event that a site plan agreement is not executed within that period; and,
- 6) That the City's 2009 Policy requiring all High Density residential developments to achieve at least LEED Silver, be waived, subject to the implementation of the sustainability initiatives outlined in this report, to the satisfaction of the Commissioner of Development Services; and,
- 7) That the Draft Zoning By-law Amendment attached as Appendix 'B', be finalized and enacted without further notice; and,
- 8) That the Mayor and Clerk be authorized to execute a Section 37 Agreement with the owner; and further,
- 9) That Staff be authorized and directed to do all things necessary to give effect to this resolution

CARRIED

**4. MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING  
SECOND SUITES  
CHANGES TO THE PLANNING ACT (10.5)  
Presentation**

The presentation by the Ministry of Municipal Affairs and Housing entitled "Second Suites - Changes to the Planning Act" was deferred to a future meeting.

**ADJOURNMENT**

The Development Services Committee meeting adjourned at 5:20 PM.

**Alternate formats for this document are available upon request.**

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EXTRACT OF SPECIAL COUNCIL MEETING DATED AUGUST 10, 2017

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**NEW ITEM**

(1) PUBLIC ART TITLED "CHARITY" ON CRESCENT PARK (6.0)

Moved by Regional Councillor Nirmala Armstrong  
Seconded by Councillor Alan Ho

- 1) That the matter of the public art titled "Charity" on Crescent Park be discussed at the September 25, 2017 Development Services Committee meeting; and,
- 2) That Deputy Mayor Jack Heath, Regional Councillor Nirmala Armstrong, Councillor Alan Ho and any other interested Members of Council meet with the donor of the art "Charity" and report back to the September 25, 2017 Development Services Committee meeting.

**Carried**

A handwritten signature in black ink, appearing to be 'K. Kitteringham', written over a horizontal line.

---

Kimberley Kitteringham  
City Clerk

Copy to: Jim Baird  
Stephen Chait  
Donna Harris  
Kitty Bavington  
Tannis Weatherill